

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KENNETH W. HOPKINS,

Plaintiff,

v.

CITY OF WILMINGTON,

Defendant.

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C.A. No. 08-302-LPS

MEMORANDUM ORDER

1. Defendant, City of Wilmington, has moved to compel additional discovery and re-depose Plaintiff, Kenneth W. Hopkins. (D.I. 67) The Court finds that Plaintiff's medical records are relevant to the subject matter of the action. Because Plaintiff seeks back pay and front pay, Plaintiff's physical condition from the time of his June 8, 2007 termination is at issue. Plaintiff has not provided medical records for the period between November 2009 and February 2012, and has not produced records related to his February 2012 knee operation. The Court agrees with Defendant that Plaintiff's 2012 operation is new and relevant information.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion (D.I. 67) is GRANTED. Plaintiff shall produce, by October 1, 2012, all relevant medical records dating from November 2009 onwards and shall appear for a deposition, which shall occur no later than October 11, 2012, on his physical condition. *See* Fed. R. Civ. P. 26(b)(1); Fed. R. Civ. P. 30(a)(2)(ii). The deposition will be limited to no more than two (2) hours. Additionally, it shall be held at a time and location convenient for Plaintiff.

2. Plaintiff seeks leave to file three additional motions *in limine*, in addition to the

three included in the proposed final pretrial order as permitted by the Court. (D.I. 65) Plaintiff's request is denied. The additional issues Plaintiff wishes to address by motions *in limine* can be raised during the pretrial conference and at any appropriate time during trial.

3. Defendant shall file its reply in support of its motion *in limine*, as well as its objections to Plaintiff's proposed preliminary jury instructions, final jury instructions, voir dire, and special verdict form, no later than September 25, 2012 at 10:00 a.m.

4. Jury selection will be conducted on Friday, October 12, 2012, beginning at 9:00 a.m. Trial will commence with opening statements on Monday, October 15, 2012 beginning at 9:00 a.m. Trial is scheduled for five (5) days and will be timed, with each side to be allocated a maximum of twelve (12) hours, with the specific amount of time to be determined at the pretrial conference.

Dated: September 21, 2012
Wilmington, Delaware


UNITED STATES DISTRICT COURT